

RESOLUTION NO: 16-003

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PASO ROBLES
TO ADOPT A MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE
“THE OAKS AT PASO ROBLES” – ASSISTED RESIDENTIAL CARE LIVING FACILITY
LOCATED AT THE CORNER OF SOUTH RIVER ROAD AND SERENADE DRIVE
APN 009-815-007, APPLICANT – B.A. HOFFMAN HOLDINGS, LLC**

WHEREAS, an application for Planned Development 15-002 and Conditional Use Permit 15-004 has been filed by BA Hoffman Holdings, LLC; and

WHEREAS, Planned Development 15-002 and Conditional Use Permit 15-004 were filed for development of an assisted residential care living facility including 73 units for assisted living and 24 memory care units. The development is proposed to be 3-stories, and ~~95,212~~ 88,937 square feet, and includes studios, 1-bedroom and 2-bedroom units with private bathrooms and kitchenettes; and

WHEREAS, the revisions made to the project design to reduce the bulk and mass of the proposed building, modified the original configuration of the building design which results in adding square footage to the second story of the building above the memory care component of the structure, however, the number of units and interior uses remain the same, and therefore the modifications to the building design would not result in additional, different or more intense environmental impacts than the original building design evaluated in the Initial Study. Therefore, the determinations and mitigation measures required in the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have not changed; and

WHEREAS, the project is consistent with the applicable policy and regulatory documents of the City, including the following:

- **General Plan, Land Use Element - Residential Multiple Family (RMF-20) land use designation** – the project would “...*provide a transition zone between single-family residential neighborhoods and higher-intensity land uses...*”; and
- **General Plan, Housing Element** – “*Develop a range of housing types, densities, and affordability levels to meet the diverse needs of the community...*”; and
- **Zoning District of Residential Multi-Family (R4-PD)** – “*The...R4...multiple-family residential district(s) (zones) are established to provide for multiple-family residential development...These districts implement the residential multiple-family land use categories as described in the land use element of the City's General Plan – the project is a “conditionally permitted” use in the R4 District...*” and
- **Economic Strategy** – the project supports land use efficiency and infill development of the Economic Strategy: “*To minimize economic, social, and environmental costs and efficiently use*

resources and infrastructure, new development should take place in existing urbanized areas before using more agricultural land or open space.”

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City’s Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared and circulated for a 20-day public review period beginning on August 10, 2015 and concluding September 8, 2015. The Draft MND/Initial Study dated August 10, 2015 is incorporated by reference into this Resolution, and is on file at the Paso Robles Community Development Department and available on line at <http://www.prcity.com/government/departments/commdev/>; and

WHEREAS, mitigation measures have been incorporated into the MND and will be imposed on the project through the City’s adoption of a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guideline 15074(d). These mitigation measures are imposed on the project to address potential environmental effects from: aesthetics, air quality; biology, and transportation. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. The Mitigation Monitoring and Reporting Program in Exhibit A to this Resolution, are hereby incorporated herein by reference; and

WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

WHEREAS, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

WHEREAS, the applicant has executed a Mitigation Agreement whereby the applicant has agreed to incorporate all of the mitigation measures listed in Exhibit A into the project. A copy of the executed Mitigation Agreement is on file in the Community Development Department; and

WHEREAS, public notice of the proposed Draft MND was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on October 27, 2015, and on January 26, 2016, to consider the Initial Study and the draft MND prepared for the proposed project, and to accept public testimony on the Planned Development and environmental determination; and

WHEREAS, pursuant to CEQA the Planning Commission has independently reviewed the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record before it finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The recitals above are true and correct and incorporated herein in this Resolution.

Section 2. The revised project is consistent with the intensity of impacts analyzed in the Mitigated Negative Declaration.

Section 3. The Planning Commission of the City of El Paso de Robles, based on its independent judgment and analysis, hereby adopts a Mitigated Negative Declaration for The Oaks at Paso Robles, and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A, and imposes each mitigation measure as a condition of approval, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED this 26th day of January, 2016, by the following roll call vote:

AYES:	Commissioners Donaldson, Brennan, Cooper, Burgett, Barth and Chairman Vanderlip
NOES:	Commissioner Rollins
ABSENT:	None
ABSTAIN:	None

ATTEST:


	 _____ VINCE VANDERLIP, CHAIRMAN
_____ WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION	

Exhibit A

Mitigation Monitoring and Reporting Plan

Project File No./Name: PD 15-002, CUP 15-004 - The Oaks at Paso Robles Assisted Living Facility.

Approving Resolution No.: Resolution No. 16-XXX by: ☒ Planning Commission ☐ City Council

Date: January 26, 2016

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed. A description of each measure is provided in Exhibit A, attached to this document.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
AES – 1 The project shall be designed in accordance with the attached specific architectural features to ensure visual impacts are mitigated.	Project	CDD			Prior to issuance of building permits.
AQ-1 a. Interior and exterior paints used during project construction shall have a maximum allowable VOC content of 150 grams per liter. b. The following measures are recommended to minimize nuisance impacts associated with construction-generated fugitive dust emissions: 1. Reduce the amount of the disturbed area where possible; 2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible; 3. All dirt stock pile areas should be sprayed daily as needed; 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used; 5. Reduce the amount of disturbed area where possible; 6. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the	Project, ongoing	CDD Building			Written description, prior to certificate of occupancy.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;</p> <p>7. All dirt stock pile areas should be sprayed daily as needed;</p> <p>8. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</p> <p>9. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;</p> <p>10. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;</p> <p>11. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>12. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</p> <p>13. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</p> <p>14. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</p> <p>15. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;</p> <p>16. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include</p>					

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.</p> <p>c. The following measures are recommended to reduce emissions from motorized construction equipment:</p> <ol style="list-style-type: none"> 1. Maintain all construction equipment in proper tune according to manufacturer's specifications; 2. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); 3. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation; 4. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation; 5. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance; 6. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit; 7. Diesel idling within 1,000 feet of sensitive receptors is not permitted; 8. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; 9. Electrify equipment when feasible; 10. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and, 11. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. <p>d. The above mitigation measures shall be shown on grading and building plans.</p>					

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>AQ-2</p> <p>a. Prior to issuance of an occupancy permit, a permit to operate shall be obtained from the SLOAPCD for any diesel emergency back-up generator, 50 hp or greater, that is included as part of the project plans. If the applicant decides to add a permit-required generator to the facility after the occupancy permit, then this mitigation measure is official notice to the applicant that an APCD permit is required prior to the installation of the proposed generator.</p> <p>b. Prior to any grading activities a geologic evaluation shall be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Development of an Asbestos Dust Mitigation Plan, which must be approved by the SLOAPCD prior to construction, and, 2. Development and approval of an Asbestos Health and Safety Program (required for some projects). 	Project	Building Dept			Prior to issuance of certificate of occupancy permit
<p>BIO-1</p> <p>Prior to any construction work, approximately 5 oak trees shall require a minimum of canopy raising so that any grading equipment will not damage or break any of the branches. Proper arboricultural practice dictates these trees have some weight reduction to aid long term preservation. The trenching for the swale shall not exceed 2 feet in depth. All spoils shall not be placed within any critical root zone. Tree protection fencing is mandatory at the CRZ. Trees to be saved shall be yellow taped. Removal of limbs larger than 6 inches in diameter shall require a city approved permit. Only 25% of live crown may be removed.</p> <p>Specific mitigations shall apply as provided in attached Oak Tree Protection Plan.</p>	Project	CDD, Building Dept			Prior to issuance of grading permit
TR-1	Project	CDD			Prior to certificate of occupancy

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
The project will be required to pay traffic mitigation fees to offset to offset its impacts to the citywide transportation network.					
TR-2 The applicant will implement employee transportation demand measures to reduce traffic congestion, such as providing information on regional rideshare programs, bike racks, well as provide shuttle service to the multi-modal transportation center and downtown for residents and guests.	Project	CDD			Prior to certificate of occupancy

Explanation of Headings:

Type:Project, ongoing, cumulative

Monitoring Department or Agency:Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans:When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation:When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks:Area for describing status of ongoing mitigation measure, or for other information.